

**WARRANT
ANNUAL TOWN MEETING**

**FISCAL YEAR
JULY 1, 2004 to JUNE 30, 2005
COMMONWEALTH OF MASSACHUSETTS**

Berkshire, ss:

To either of the Constables of the Town of Williamstown, in the County of Berkshire.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Williamstown qualified to vote in elections and Town affairs to meet at Williamstown Elementary School, 115 Church Street in said Williamstown

TUESDAY, THE ELEVENTH OF MAY, 2004 at SEVEN O'CLOCK A.M. for the following purpose:

1. To bring their votes to the election of officers for the election of all Town Officers and a Proposition 2 1/2 Ballot Question as provided in Article 1.

The polls will be opened at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M.

And furthermore to meet at Williamstown Elementary School, 115 Church Street, on the EIGHTEENTH DAY OF MAY, 2004 AT SEVEN O'CLOCK P.M. for the following purposes:

To act on all Articles of this warrant, except Article 1, which has been acted upon at the above meeting for the election of officers.

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ARTICLES

Article 1. To choose a Moderator for one a (1) year term; two (2) Selectmen for three year terms; two (2) Elementary School Committee (K-6) Members for three year terms; two (2) Library Trustees for three-year terms; one (1) Northern Berkshire Vocational Regional School District Committee member for a three (3) year term; one Housing Authority member for a five (5) year term and one (1) Ballot Question for a Proposition 2 1/2 Override for the amount of \$530,292.

Proceeding: The 2004 Annual Town Meeting was called to order at 7:00 PM by Moderator Stanley Parese in the Williamstown Elementary School Gymnasium. Three hundred and twenty (320) registered voters checked into the Town Meeting.

John R. Madden, Chairman of the Board of Selectmen thanked all members of town boards and committees whose terms are expiring. He also lauded outgoing Selectwomen Margaret Johnson Ware for her several years of committed service as a member of the Board of Selectmen

The Moderator announced that Hank Flynt received the Annual Historical Commission Award and Wayne and Suki Wilkins received the Community Chest Award. He then announced the recipient of the 23rd Annual Faith Scarborough Award to Deborah Burns for her dedicated and hard work as Chairman of the Williamstown 250th committee.

REPORTS OF TOWN COMMITTEES

Article 2. To see if the Town will vote to accept the reports of the Board of Selectmen, the Town Manager, and all other officers and committees and act thereon.

The Board of Selectmen unanimously recommends the adoption of this article.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 2.

There being no discussion, the Moderator declared Article 2 carried by unanimous voice vote.

FREE CASH

Article 3. To see if the Town will vote to transfer from the General Fund Unreserved Fund Balance, the sum of **\$274,064** or any other sum, to be used to reduce the tax rate, or take any other action in relation thereto.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, that the Town vote to transfer the sum of \$274,064 from the General Fund Unreserved Fund Balance to be used to reduce the tax rate.

There being no discussion, the Moderator declared Article 3 carried by unanimous voice vote.

SEWER DEPARTMENT

Article 4. To see if the Town will vote to appropriate from Estimated Sewer Receipts the sum of **\$1,038,360** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Sewer Department, or take any other action in relation thereto.

WATER DEPARTMENT

Article 5. To see if the Town will vote to appropriate from Estimated Water Receipts the sum of **\$770,812**, or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Water Department, or take any other action in relation thereto.

TRANSFER STATION DEPARTMENT

Article 6. To see if the Town will vote to appropriate from Estimated Transfer Station Receipts the sum of **\$155,209**, or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Transfer Station Department, or take any other action in relation thereto.

CHAPTER 90 HIGHWAY FUNDING

Article 7. To see if the Town will vote to raise and appropriate from Chapter 90 funds that are, or may become, available to the Town during the fiscal year for Capital

Projects, and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth, or take any other action in relation thereto.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 7.

There being no discussion, the Moderator declared Article 7 carried by unanimous voice vote.

GENERAL GOVERNMENT

Article 8. To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury, the sum of **\$5,431,012** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the several Town Departments, namely:

	Fiscal Year <u>2004</u>	Fiscal Year <u>2005</u>
Executive	\$200,756	\$199,794
Administration & Finance	\$1,967,042	\$2,108,831
Inspection Services	\$207,930	\$254,491
Public Safety	\$885,736	\$897,796
Public Works	\$1,490,648	\$1,500,903
Human Services	\$475,947	\$469,197
	<u>\$5,228,059</u>	<u>\$5,431,012</u>

The proposed General Government budget totaling \$5,570,712, including unappropriated charges, is an increase of \$184,866 or 3.4% over the previous year.

	Fiscal Year		Fiscal Year	
	<u>2004</u>		<u>2005</u>	
EXECUTIVE				
PUBLIC SAFETY				
Town Manager		\$3,878		\$3,946
Police Department	\$711,118	\$164,912	\$720,014	\$169,205
Dispatch Services	\$149,501	\$30,000	\$152,763	\$25,000
Animal Control Officer	\$21,232	\$1,966	\$21,364	\$1,643
Forest Warden	\$3,885	\$0	\$3,655	\$0
Economic Development				
	<u>\$885,736</u>	<u>\$200,756</u>	<u>\$897,796</u>	<u>\$199,794</u>
ADMINISTRATION & FINANCE				
PUBLIC WORKS				
Finance Committee		\$139,836		\$152,837
DPW Director	\$115,244	\$2,423	\$117,960	\$670
Highway Department	\$843,419	\$100,000	\$846,422	\$80,000
Snow and Ice	\$91,000	\$163,483	\$91,000	\$169,269
Assessors	\$202,477	\$76,591	\$197,743	\$79,783
Parks and Cemetery	\$116,330	\$133,356	\$126,870	\$128,350
Facilities Management	\$2,400	\$37,825	\$2,400	\$31,120
Burbank Chapel	\$79,778	\$49,940	\$80,508	\$52,490
Recreation	\$40,000	\$13,204	\$38,000	\$16,072
Forestry Department				
Employee Benefits	<u>\$1,490,648</u>	<u>\$1,250,384</u>	<u>\$1,500,903</u>	<u>\$1,398,240</u>
		<u>\$1,967,042</u>		<u>\$2,108,831</u>
HUMAN SERVICES				
INSPECTION SERVICES				
Human Services		\$0		\$0
Building Inspector	\$134,194	\$149,047	\$134,194	\$194,187
Council on Aging	\$36,956	\$53,545	\$30,207	\$55,055
Veterans' Services	\$301,797	\$1,442	\$301,796	\$1,477
Library	\$3,000	\$0	\$3,000	\$0
Sign Commission				
Veterans' Graves & Holidays	<u>\$475,947</u>	<u>\$1,350</u>	<u>\$469,197</u>	<u>\$1,150</u>
Planning Board				
Zoning Board of Appeals		\$0		\$0
Historical Commission		\$0		\$0
Sealer of Weights		\$2,546		\$2,622
Proc		<u>\$207,930</u>		<u>\$254,491</u>

ng: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$4,976,061 from Taxation; that \$162,228 be appropriated from Estimated Water Receipts; that \$115,456 be appropriated from Estimated Sewer Receipts; that \$10,000 be appropriated from Cemetery Perpetual Care Fund Interest; that \$2,400 be appropriated from Sherman Burbank Memorial Fund to pay interest and maturing debt and for charges, expenses and outlays of several Town Departments namely as follows: Executive - \$184,973; Administrative and Finance \$2,073,328; Inspection Services \$254,491; Public Safety \$877,867; Public Works \$1,411,575 and Human Services \$463,911.

Following a long discussion regarding the removal of funding for the Williamstown Youth Center, Ray Warner made the following amendment, which was seconded. “ To remove \$46,000 from the Inspection Services Department and transfer it to the Public Works Department to fund the Williamstown Youth Center...” Sam Crane then offered a friendly amendment, which was accepted by Mr. Warner, “ to restore the \$46,000 to the Williamstown Youth Center and subtract \$9,200 from each of the other categories in the General Government budget, namely, Inspection Services, Executive, Public Safety, Administration and Finance, and Human Services and putting it in the Public Works Department for the funding of the Williamstown Youth Center. “

Following a long discussion on the amendment there was request to call the question. The Moderator declared the end of debate by unanimous voice vote.

The Moderator then called for a vote on Mr. Warner's amendment which was defeated by a standing vote with 131 in favor and 167 opposed.

Joan Burns made a motion to amend the article that \$46,000 be restored for the Williamstown Youth Center and that the Town Manager and administration at their discretion find the money from the budget. Town Counsel Edward Reilly informed the meeting that the cut must be identified from somewhere at Town Meeting, that the Selectmen are not the appropriating authority and that appropriating is only done by town meeting. .

The Moderator told Mrs. Burns that if money is shuffled around in the General Government budget that it must be decided where the money is coming from within this article. He reminded her that we will be addressing other items on the agenda and they could vote to cut money from other articles and then make a motion to reconsider Article 8.

Following more discussion, a call was made to end the debate. The Moderator declared the end of debate from a standing vote of 266 in favor and 32 opposed.

He then called for a vote on the article as presented in the original motion, which he declared carried by majority voice vote.

A motion was voted following Article 13 (Capital Projects) to reconsider Article 8. The proceedings of that are as follows:

James Martin moved, and it was seconded, to amend Article 8 to see if the town will vote to raise and appropriate and appropriate from available funds the sum of \$5,296,145 or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the several Town Departments and further to use that additional \$30,000 to fund the Williamstown Youth Center and to increase sources of income to \$5,006,061 from taxation. A friendly amendment was offered, seconded and accepted to add to the motion to increase the Public Works line item to read \$1,441,575. The Moderator declared the amendment as carried by unanimous voice vote.

The Moderator then called for a vote on the main motion, as amended, which was to add \$30,000 to the Public Works Dept. budget to fund the Williamstown Youth Center. The motion was carried by unanimous voice vote.

LOCAL PUBLIC SCHOOLS (Grades K-6)

Article 9. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$4,559,853** or any other sum, to pay interest and maturing debt, and to pay charges, expenses and outlays of the School Department for the ensuing year or take any other action in relation thereto.

Note: This is an Omnibus Budget, i.e. Town Meeting may vote only the total budget.

	Fiscal Year <u>2004</u>	Fiscal Year <u>2005</u>
Administration	\$209,370	\$211,237
Instruction	\$1,814,683	\$1,853,177
Other School Services	\$151,148	\$151,947
Operation & Maintenance	\$339,927	\$328,352
Fixed Costs	\$1,123,727	\$1,236,897
Fixed Assets	\$0	\$0
Debt Service	\$24,000	\$21,000
SPED	\$777,903	\$757,243
	<u>\$4,440,758</u>	<u>\$4,559,853</u>

The proposed Elementary School budget of \$4,559,853 is an increase of \$119,095 or 2.7% over the previous year.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$4,440,758 from taxation to pay charges, expenses and outlays of the School Department.

There being no discussion, the Moderator declared Article 9 carried by majority voice vote.

MT GREYLOCK REGIONAL SCHOOL DISTRICT

Article 10. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$3,890,005** or any other sum, being Williamstown’s share of the Mt. Greylock Regional School District 2004-2005 fiscal budget, or take any other action in relation thereto.

Note: This is an Omnibus Budget, i.e. Town Meeting may vote only the total budget.

	Fiscal Year <u>2004</u>	Fiscal Year <u>2005</u>
School Spending Assessment	\$3,556,915	\$3,683,496
Transportation Assessment	\$143,050	\$165,516
Capital Budget Assessment	\$33,725	\$40,993
Total Assessment	<u>\$3,733,690</u>	<u>\$3,890,005</u>

The proposed Mt. Greylock assessment of \$3,890,005 is an increase of \$156,315 or 4.2% over the previous year.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$3,733,690 from taxation, being Williamstown’s share of the Mount Grey lock Regional School District 2004-2005 fiscal budget.

Following a short discussion, the Moderator declared Article 10 carried by majority voice vote.

NORTHERN BERKSHIRE VOCATIONAL REGIONAL SCHOOL DISTRICT

Article 11. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$127,697** or any other sum, being Williamstown’s share of the Northern Berkshire Vocational Regional School District 2004-2005 budget, or take any other action in relation thereto.

	Fiscal Year <u>2004</u>	Fiscal Year <u>2005</u>
Minimum Contribution	\$7,776	\$78,374
Transportation Assessment	\$9,977	\$10,665
Capital Assessment	\$39,928	\$38,658
Chapter 70 Aid	\$0	\$0
	<u>\$57,681</u>	<u>\$127,697</u>

Proceeding: The Chairman of the Finance Committee recommends the Town vote to raise and appropriate the sum of \$124,568 from taxation to pay Williamstown’ s share of the Northern Berkshire Vocational Regional School District 2004-2005 budget.

Following a short discussion, the Moderator declared Article 11 carried by majority voice vote.

CAPITAL PROJECTS

Article 12. To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$447,610** or any other sum, for the following Capital Projects:

<u>Item</u>	<u>Department</u>	<u>Amount</u>
Transfer to Stabilization Fund	Transfers	\$50,000
Triennial Revaluation	Assessors	\$40,000
Replacement Vehicle	Inspections	\$25,000
White Oaks, Old Mill, West Main, Petersburg Guardrails	Highway	\$33,160
Field Park Preliminary Design	Highway	\$10,000
Main Street Sidewalk Replacement	Highway	\$25,250
Replacement Vehicle	Highway	\$27,000
Replacement Vehicle	Parks	\$29,000
Library Interior Improvements and Boiler Replacement	Facilities	\$69,200
Library Septic and Entry Way Improvements	Facilities	\$56,000
Police Station Design Development	Facilities	\$18,000
Replacement Backhoe	Water/Sewer	\$65,000
		<u>\$447,610</u>

Capital expenditures (not including the replacement backhoe) funded by taxes of \$382,610 are 1.8% less than the previous year. An extraordinary \$50,000 contribution to the Stabilization Fund is recommended to protect the town’s Aa3 credit rating in anticipation of permanent bonding for the new elementary school.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, that the Town vote to raise and appropriate the sum of \$382,610 from Taxation; that \$32,500 be raised and appropriated from Estimated Water Receipts and that \$32,500 be raised and appropriated from Estimated Sewer Receipts to pay for the Capital Projects as listed in the warrant.

Ray Warner moved the following amendment, “ To reduce Article 12 by \$35,250. Bill Densmore offered a friendly amendment, which was accepted by Mr. Warner, and seconded, “ to reduce \$30,000 from the Capital Projects budget to give to the General Government budget to be directed to the Williamstown Youth Center and to leave it to the Town Manager to decide which capital projects it will be taken from.

Town Manager Peter Fohlin offered a friendly amendment, which was accepted by Mr. Warner , a and seconded to take the \$30,000 from the Library Interior Improvement and Boiler Replacement Project line item.

Following a lengthy discussion, there was a call to end debate. The Moderator called for a vote to end debate which he declared as carried by voice vote.

The Moderator then called for a vote on the amendment to reduce the Capital Budget, Library Interior Improvement by \$30,000, which he then declared carried by majority voice vote.

A motion was made and seconded to reduce the source of income be reduced in Article 12 to \$352,610. The Moderator declared the amendment carried by unanimous voice vote.

The Moderator then called for a vote on the main motion, as amended, which he declared as carried by unanimous voice vote.

At this point a motion was made, and seconded, to reconsider Article 8 (General Government Budget). The Moderator declared the motion carried by unanimous voice vote. (See article 8 for action take for this motion)

APPROPRIATION FOR DEBT SERVICE

Article 13. To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury, the sum of **\$383,783** or any other sum, to pay interest and maturing debt, or take any other action in relation thereto:

<u>Purpose</u>	<u>Year Borrowed</u>	<u>Years Remaining</u>	<u>Initial Principal</u>	<u>2004 Interest and Principal</u>
Cemetery Building Addition	1991	2	\$108,500	\$8,504
Burbank Chapel Repair	2001	13	\$132,800	\$12,493
New DPW Garage	1997	12	\$1,800,000	\$153,603
Landfill Engineering	1997	6	\$50,000	\$5,089
Landfill Closure	1997	11	\$215,000	\$18,204
New School	Temp Loan			\$185,890
				<u>\$383,783</u>

ELEMENTARY SCHOOL CONSTRUCTION PROJECT

Article 14. To see if the Town will vote to appropriate the sum of \$100,000 from the sale of Southworth School for the Elementary School Construction Project, or take any other action in relation thereto.

CONSERVATION FUND

Article 15. To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$500 or any other sum, to be placed in the Conservation Commission Conservation Fund, or take any other action in relation thereto

The Board of Selectmen unanimously recommends the adoption of this article.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town not act on this Article. The Chairman stated that the reason they were motioning for no action on this article was because the Community Preservation Act now addresses funds for conservation lands, thus eliminating the need for appropriation money to this fund.

There being no discussion, the Moderator declared the motion as carried by unanimous voice vote.

LIBRARY REVOLVING FUND

Article 16. To see if the Town will vote pursuant to M.G.L. c. 44, Section 53E ½, to authorize the use of a revolving fund for the purpose of purchasing library supplies, services and equipment, which fund shall be credited with receipts from charges for lost or damaged library materials, fines collected for overdue library materials, and fees collected for after-hours meeting room use, and fees for out-of-state borrowers, under the authority and direction of the Library Trustees: such expenditures not to exceed Twenty-Five Thousand and no/100ths (\$25,000) Dollars, or take any other action in relation thereto.

TO ACCEPT G. L. Ch. 59 s. 5 clause 37A

Article 17. To see if the Town will vote to accept G. L. Ch. 59 s. 5, clause 37A, to allow an increase in the exemption from real property taxes from \$437.50 to \$500 for certain qualifying blind persons, or take any other action in relation thereto.

TO ACCEPT G. L. Ch. 59 s. 5 clause 41C

Article 18. To see if the Town will vote to accept G. L. Ch. 59 s. 5, clause 41C, allowing a \$500 exemption from real property taxes for certain qualifying individuals over the age of seventy years, or take any other action in relation thereto.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 18.

There being no discussion, the Moderator declared Article 18 carried by unanimous voice vote.

TO ACCEPT G. L. Ch. 59 s. 5 clause 41B

Article 19. To see if the Town will vote to accept G. L. Ch. 59 s. 5, clause 41B, allowing a \$500 exemption from real property taxes for certain qualifying individuals over the age of seventy years, or take any other action in relation thereto.

COMMUNITY PRESERVATION – WES FITNESS TRAIL

Article 20. To see if the Town will vote to appropriate from the Community Preservation fund the sum of \$7,460 for the school committee to install a fitness trail at the elementary school for the use of all town residents, or take any other action in relation thereto.

The Elementary School Committee proposes to create an eight station fitness trail on school grounds for the use of all town residents

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 20.

There being no discussion, the Moderator declared Article 20 carried by majority voice vote.

COMMUNITY PRESERVATION – SOUTHLAWN CEMETERY

Article 21. To see if the Town will vote to appropriate from the Community Preservation fund the sum of \$35,000 for the preservation of historic gravestones at Southlawn Cemetery by the South Williamstown Historical Committee, or take any other action in relation thereto.

The South Williamstown Historical Committee will begin the professional restoration of the town's historic gravestones at Southlawn Cemetery under the direction of Parks & Cemetery Superintendent Christopher Lemoine.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 21.

Following a short discussion, the Moderator declared Article 21 carried by unanimous voice vote.

COMMUNITY PRESERVATION – CONSERVATION OF OPEN SPACE

Article 22. To see if the Town will vote to appropriate from the Community Preservation fund the sum of \$65,000 for the immediate acquisition by purchase, eminent domain, or otherwise by the board of selectmen of Assessors Map 113 Parcel 115 for open space, or take any other action in relation thereto.

COMMUNITY PRESERVATION – AFFORDABLE HOUSING

Article 23 - To see if the Town will vote to appropriate from the Community Preservation fund the sum of \$25,000 to be reserved toward future use of affordable housing, or take any other action in relation thereto.

REMOVAL OF DEVELOPMENT RESTRICTIONS-59 WATER ST.

Article 24. To see if the Town will vote to rescind Article 28 of the May 18, 1999 Annual Town Meeting, and to transfer control of Assessors Map 131 Parcel 28 (the former DPW garage site at 59 Water Street) to the Board of Selectmen, and to declare it to be surplus municipal property, and further to authorize the Board of Selectmen, acting in accord with Massachusetts General Law, to convey said property, or take any other action in relation thereto.

The Board of Selectmen unanimously recommends the adoption of this article.

The 1999 Annual Town Meeting authorized the Board of Selectmen to sell this parcel. The 1999 article also limited redevelopment to retail and commercial uses excluding many other uses allowable in the Village Business District, e.g. dwelling units above the first floor. This article will permit all uses allowable under zoning and remove the requirement for an easement to Spring Street.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 24. The Moderator admonished a 2/3rds majority vote would be required for passage of the article.

There being no discussion, the Moderator declared Article 24 carried by unanimous voice vote.

TO DISCONTINUE GLEN STREET

Article 25. To see if the Town will vote to discontinue Glen Street, or take any other action in relation thereto.

The Board of Selectmen unanimously recommends the adoption of this article.

All that remains of Glen Street is the dirt pullout on Cold Spring Road just south of Field Park. The original Glen Street was superseded by Cold Spring Road when the State constructed Route 7 in 1925. Discontinuance will allow the creation of a buildable and taxable house lot.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 25.

Following a short discussion, the Moderator declared Article 25 carried by unanimous voice vote.

MOBILE HOME RENT CONTROL BYLAW AMENDMENT

Article 26. To see if the Town will vote to amend the Code of Williamstown Chapter 12-6, (c) entitled Mobile Home Rent Control Bylaw, or take any other action in relation thereto.

Chapter 12

To amend the Code of Williamstown Chapter 12-6(c) to change the word *ordinance* to *bylaw* to read:

C. The superior court and the district court of Berkshire County, Northern Division shall have concurrent jurisdiction to enforce the provisions of this article, and any *by-law* adopted thereunder, and may restrain violations thereof.

The Board of Selectmen unanimously recommends the adoption of this article.

The office of the Attorney General has instructed the town to correct the word “ordinance” to “bylaw”.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 26.

There being no discussion, the Moderator declared Article 26 carried by unanimous voice vote.

ALARM SYSTEM BYLAW

Article 27. To see if the Town will vote to amend the Code of Williamstown, Chapter 8, to adopt a new Alarm System Bylaw as follows, or take any other action in relation thereto:

- § 8-1 Title and Purpose
- § 8-2 Definitions
- § 8-3 Permit Requirements
- § 8-4 Alarm System Operation and Maintenance
- § 8-5 Monitoring Procedures
- § 8-6 Fines and Penalties for Violations
- § 8-7 Revocation, Suspension or Loss of Alarm System Permit
- § 8-8 Appeals
- § 8-9 Enforcement
- § 8-10 No Assumption of Liability or Responsibility for Alarm Systems
- § 8-11 General Provisions

Alarm Bylaw

§ 8-1 Title and Purpose

A. This by-law shall be known as the Alarm System By-law.

- B. The purposes of this by-law are to reduce and eliminate false alarm dispatch requests, to encourage alarm users and alarm businesses to maintain the operational reliability of their alarm systems, to establish a system of regulations and fees with respect to alarm systems and to provide for penalties for violation of this by-law.

§ 8-2 Definitions

For the purposes of this by-law, certain words and phrases shall be construed as set forth in this article, unless it is clear from the context that a different meaning is intended.

ALARM ADMINISTRATOR - the person designated to administer, control, and review alarm applications, permits, and alarm dispatch requests. The Chief of Police shall be the alarm administrator unless otherwise designated.

ALARM BUSINESS - the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an Alarm System in an Alarm Site.

ALARM DISPATCH REQUEST - a notification to the police that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

ALARM SITE - a single premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex, shall be considered a separate Alarm Site.

ALARM SYSTEM - a device or series of devices, including, but not limited to, systems interconnected with radio frequency signals, which are designed to discourage crime, by emitting or transmitting a remote or local audible, visual or electronic signal indicating an alarm condition. Alarm System does not include:

- (1) an alarm installed on a vehicle unless the vehicle is permanently located at site; or
- (2) an alarm designed to alert only the inhabitants of a premises that does not have a sound device which can be heard on the exterior of the Alarm Site.

ALARM USER - any person, firm, partnership, corporation or other entity which uses an Alarm System at its Alarm Site.

CHIEF - the Chief of Police of the Town or the Chief's authorized representative.

CONVERSION - the transaction or process by which one Alarm Business begins monitoring of an Alarm System previously monitored by another Alarm Business.

FALSE ALARM DISPATCH - an Alarm Dispatch Request to the police department, where responding officers find no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site. An Alarm Dispatch Request that is cancelled by the Alarm Business or the Alarm User prior to the dispatch of the responding officer shall not be considered a False Alarm Dispatch.

PERSON - an individual, corporation, partnership, association, organization or other legal entity.

TAKEOVER - the transaction or process by which an Alarm User takes over control of an existing Alarm System that was previously controlled by another Alarm User.

VERIFY - an attempt, by the Alarm Business, or its representative, to contact the Alarm Site by telephone or other electronic means, whether or not actual contact with a Person is made, before requesting a police dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

§ 8-3 Permit Requirements.

- A. No Alarm User shall operate, or cause to be operated, an Alarm System without a valid permit issued in accordance with this by-law. A separate permit is required for each Alarm Site.

- B. The annual fee for a permit or permit renewal for an Alarm Site shall be set by the Town Manager. An Alarm User who applies for a new permit after July 1st will be required to pay a pro-rated quarterly fee. The annual fee will be refunded if the application is not approved. The permit shall be valid for a one-year period commencing each July 1. It is the responsibility of the Alarm User to submit a renewal application prior to the permit expiration date. All fees and any future fee increases to this by-law will be set by the Town Manager after consulting with the Alarm Administrator.
- C. The annual fee for a permit or permit renewal for an Alarm Business shall be set by the Town Manager. The annual fee shall not be refunded or pro rated. The permit shall be valid for a one-year period commencing each July 1st. It is the responsibility of the Alarm Business to submit a renewal application prior to the permit expiration date.
- D. No Alarm Business will sell, lease, maintain, service, repair, alter, replace, move, install or monitor an Alarm System in an Alarm Site or request a response to an Alarm Site without a valid permit issued in accordance with this by-law.
- E. The application form for issuance or renewal of a permit shall be prescribed by the Alarm Administrator and shall include the following information:
 - (1) The name, address, and telephone number of the Alarm User who will be the permit holder and be responsible for the proper maintenance and operation of the Alarm System and the payment of fees assessed under this by-law.
 - (2) Signed certification from the Alarm User and the Alarm Business stating:
 - (a) the date of Installation, Conversion or Takeover of the Alarm System, whichever is applicable;
 - (b) the name, address, phone number, Massachusetts Alarm Installation License Number and the Mass. Dept. of Public Safety registration number of the Alarm Business performing the Alarm System Installation, Conversion or Alarm System Takeover and responsible for providing repair service to the Alarm System;
 - (c) the name, address, and phone number of the Alarm Business monitoring the Alarm System if different from the installing Alarm Business;
 - (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid false alarms, have been provided to the Alarm User by the Alarm Business; and
 - (e) that the Alarm Business has trained the Alarm User in proper use of the Alarm System, including instructions on how to avoid false alarms.
 - (f) that the application shall contain the name, address and telephone number of at least two other persons who are authorized to respond to a signal transmitted by the Alarm System within twenty minutes under normal weather conditions and who are authorized to open the premises on which the Alarm System is installed.
 - (g) that such application contain an agreement from the Alarm User in favor of the Town of Williamstown Police Department to break into and enter the registered premises forcibly without liability on the Town or its officers with respect to any such forcible breaking and entering, in order to respond to such an alarm.
 - (h) any other information that enhances the efficiency of administering this by-law.
 - (3) That all current Alarm Users and Alarm Businesses shall submit applications and fees by July 1st immediately following the adoption of this by-law.
 - (4) Any false statements of a material matter made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue a permit.

- (5) An alarm permit cannot be transferred to another Person. If an alarmed property is sold or transferred to another, the application process for a new Alarm User must be followed. An Alarm User shall inform the Alarm Administrator of any change that alters any information listed on the permit application within five (5) business days of such change.
- F. An application for an alarm permit, submitted with the permit fee, shall be processed in a timely manner by the Alarm Administrator. The application shall be denied and the permit fee returned if the applicant has failed to pay any fine assessed for violating this by-law, or if the applicant has had an alarm permit for the Alarm Site suspended or revoked and the violation causing the suspension or revocation has not been corrected, or if the Alarm System does not comply with the standards required by this by-law, or if the applicant has knowingly made any false, misleading or fraudulent statements of a material fact in the application for a permit.

§ 8-4 Alarm System Operation and Maintenance

- A. An Alarm User shall:
 - (1) maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarm Dispatches;
 - (2) respond or cause a representative to respond to the Alarm Site within twenty minutes under normal weather conditions who can provide access to the premises on which the private intrusion alarm device is installed, who can; allow officers access to the property to investigate, deactivate a malfunctioning Alarm System and provide security for the Alarm Site;
 - (3) not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.
 - (4) not cause any Alarm System to be connected directly to the police department by any means including an automatic dialer.
- B. Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than fifteen (15) minutes after being activated.
- C. An Alarm User shall maintain a set of written operating instructions for each Alarm System at each Alarm Site in proximity to the alarm panel.
- D. If the Alarm Administrator has reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the Alarm Administrator may require a conference with the Alarm User and the Alarm Business responsible for the repair of the Alarm System to review the circumstances of each false alarm. The Alarm Administrator may also require the Alarm User to attend Alarm User's training that includes the importance of false alarm reduction.

§ 8-5 Monitoring Procedures

- A. The Town of Williamstown will not act as an Alarm Business or permit installation of any Alarm System monitoring devices within the police station. By July 1st 2004, all alarm systems except those owned by the Town of Williamstown or its subdivisions will be removed from the police station and monitored privately.
- B. An Alarm Business performing Monitoring services shall:
 - (1) report alarm signals by using telephone numbers designated by the Alarm Administrator;
 - (2) attempt to Verify every alarm signal, except a hold up alarm activation, before requesting a police response to an alarm signal;

- (3) communicate Alarm Dispatch Requests to the Town in a manner and form determined by the Alarm Administrator;
- (4) communicate verified cancellations of Alarm Dispatch Requests to the Town in a manner and form determined by the Alarm Administrator;
- (5) maintain for a period of at least two years following a request for dispatch to an Alarm Site, records relating to the dispatch. Records must include the name, address and phone number of the Alarm User, the Alarm System zone(s) or point(s) activated, the time of request for police dispatch and evidence that an attempt to Verify was made to the Alarm site prior to the request for police dispatch, and provide the Alarm Administrator with copies of such records upon request.

C. The Alarm Administrator shall:

- (1) designate the manner, form and telephone numbers for the communication of Alarm Dispatch Requests;
- (2) develop a procedure to accept verified cancellation of Alarm Dispatch Requests.
- (3) promulgate such regulations as may be necessary or required to implement and enhance the intent of this by-law.

§ 8-6 Fines and Penalties for Violations

A. An Alarm User shall be subject to fines, warnings, suspensions and/or revocation of permit depending on the number of False Alarm Dispatches emitted from an Alarm System within a twelve-month period beginning July 1st each year, based upon the following schedule:

Number of False Alarm Dispatches	Action Taken	Fine
1	warning	none
2	warning	none
3	suspension	\$100.00
4	warning of revocation	\$100.00
5 and subsequent	revocation	\$300.00

- B. Any Person operating an Alarm System or any Alarm Business operating without a permit issued in accordance with this by-law shall be subject to an additional fine of \$300. for each violation.
- C. An Alarm Dispatch Request caused by actual criminal offense, or with evidence of a criminal attempt, or resulting solely from power outages or extreme weather conditions shall not be counted as a False Alarm Dispatch.
- D. The Alarm Administrator may reinstate a suspended permit upon receipt of acceptable evidence that the cause has been addressed and appropriate corrective action has been taken.
- E. A Person whose alarm permit has been revoked may be issued a new permit if the Person:
 - (1) submits an updated application and pays the permit fee;
 - (2) pays, or otherwise resolves, all outstanding alarm fees and fines;
 - (3) submits a certification from an Alarm Business stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Business.
- F. The Alarm Administrator may require an Alarm System be equipped with a battery backup or other device so as to prevent the signaling of a private intrusion alarm in the event of an AC power failure.
- G. Intentional causing of a false private intrusion alarm shall be considered a serious issue resulting in a fine of \$300.00.

- H. Any Person who has neglected any fee or fine due as the result of this by-law may have said fee or fines added to the Town of Williamstown municipal tax bill for the property where the Alarm System involved is located.
- I. An Alarm User can appeal a false alarm determination to the Town Manager within ten days of the actual event.

§ 8-7 Revocation, Suspension or Loss of Alarm Permit

- A. In addition to suspension or revocation pursuant to Section 8-6, the Alarm Administrator may suspend or revoke an alarm permit if it is determined that:
 - (1) there is a false statement of a material matter in the application for a permit;
 - (2) the permit holder has failed to make timely payment of a fine previously assessed.
- B. A Person commits an offense if he operates an Alarm System during the period in which his alarm permit is suspended or revoked.
- C. Unless there is a separate indication that there is a crime in progress, the Chief of Police or officer-in-charge of the shift may refuse police response to an Alarm Dispatch Request at an Alarm Site for which the alarm permit has been revoked.
- D. If an alarm permit is reinstated pursuant to Section 8-6 (E), the Alarm Administrator may revoke the alarm permit if it is determined that the alarm is installed improperly.

§ 8-8 Appeals

- A. If the Alarm Administrator denies the issuance or renewal of a permit, or suspends, or revokes a permit, he or she shall send written notice of such action and a statement of the right to an appeal to the Alarm User and the Alarm Business. The Alarm User may appeal the decision of the Alarm Administrator to the Town Manager by filing a written request for a review setting forth the reasons for the appeal within ten (10) days after receipt of the notice from the Alarm Administrator. An Alarm Business may submit the request for review on behalf of an Alarm User. Filing a request for an appeal shall stay the action by the Alarm Administrator suspending or revoking a permit until the Town Manager has completed his review. If a request for an appeal is not made within the ten (10) day period, the action of the Alarm Administrator shall be final. The decision of the Town Manager on appeals shall be final.
- B. The Town Manager shall conduct an appeal and consider the evidence by any interested Person(s). The Town Manager will render a written decision within thirty (30) days after the request for an appeal hearing is filed. The Town Manager may affirm, reverse, or modify the action of the Alarm Administrator. The decision of the Town Manager shall be final.

§ 8-9 Enforcement.

- A. The Treasurer-Tax Collector, upon authorization by the Town Manager, shall institute civil proceedings to enforce the collection provisions of this by-law.
- B. Any police officer of the Town may utilize the non-criminal disposition procedure set forth in the Code of the Town of Williamstown or may file an application for a criminal complaint with the Trial Court of the Commonwealth, District Court, Northern Berkshire Division, to enforce the provisions of this by-law.

§ 8-10 No Assumption of Liability or Responsibility for Alarm Systems

- A. Notwithstanding the provisions of this article, the Town, its departments, officers, agents and employees, shall be under no obligation whatsoever concerning the adequacy, operation, or maintenance of any Alarm System or Alarm System monitoring facilities of private contractors or within the police station.

§ 8-11 General Provisions

- A. Except as otherwise required by law, the information furnished and secured pursuant to this by-law shall be confidential in character, shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this by-law.
- B. Municipal departments of the Town of Williamstown are exempt from fees required by this by-law.
- C. The provisions of this by-law are separable, and if any article, section or subsection, sentence, clause or phrase of this by-law is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this by-law.

The Board of Selectmen unanimously recommends the adoption of this article.

Last year the Williamstown Police Department responded to 299 alarm calls – 297 of which were false alarms. This bylaw seeks to encourage the responsible use of alarm systems and to reduce false alarms.

Proceedings: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 27.

Five residents spoke in opposition to the bylaw. Richard Hoar made a motion, and it was seconded, to table Article 27 until the proposed bylaw can be discussed further with those it will involve. The Moderator then declared the motion to table Article 27 as defeated by majority voice vote.

The Moderator then called for a vote on the bylaw which he declared carried with 88 in favor and 40 opposed.

ZONING BYLAW AMENDMENT – STATION MILL REDEVELOPMENT DISTRICT

Article 28. -To see if the Town will amend Chapter 70 of the Code of The Town of Williamstown (Zoning Bylaw) as follows, or take any other action in relation thereto.

Section 70- 2.1 B. - add the “Station Mill Redevelopment District (SMRD)” overlay district

Add a new section 70-2.3. E: “The Station Mill Redevelopment District is composed of land shown on Lot 18, Map 119, Williamstown Assessors Atlas, as updated to 2003, and on file in the office of the Town Clerk.”

Add a new Section 70-7.4.F: Station Mill Redevelopment District

- (1) Intent. The intent of the Station Mill Redevelopment District (SMRD) is to encourage the redevelopment of the historic Station Mill site in a manner that:
 - a. preserves and complements adjacent historic properties;
 - b. preserves the historic character and viability of the Station Mill District and maintains its place in Williamstown’s history; and
 - c. promotes diverse housing opportunities and uses including residential, commercial, retail, office, or a combination thereof.

- (2) Superimposition. The Station Mill Redevelopment District shall be considered to be superimposed over the underlying Limited Business District. Within SMRD, the requirements of the underlying district continue to apply, except that uses are prohibited where indicated by No, or require a special permit where indicated by SP in Table 7.5, even when the underlying district requirements are more permissive. Where there is no entry in Table 7.5, the underlying Limited Business District requirements in Table 3.3 control.

Table 7.5
Station Mill Redevelopment District Use Schedule

	USES	
(A)	RESIDENTIAL USES	
1	New two family dwellings	SP
2	New multifamily dwellings <i>(see 70-7.1 K)</i>	SP
3	Multifamily dwellings by conversion of an existing historic building <i>(see 70-7.1 K)</i>	SP
(B)	BUSINESS USES	
1	Theater, bowling alley, skating rink, club or other place for amusement, exercise, or assembly	SP
2	Tourist home	No
3	Hotel or motel	No
4	Bus or taxi terminals	No
5	Cemetery, hospital, sanitarium, nursing home or other medical institution, including nonprofit research laboratory or charitable institution.	No
6	Salesroom for automobiles, bicycles, boats, farm implements and similar equipment	No
7	Gasoline service station, garage or repair shop (See§70-7.2.B)	No
8	Funeral Home	No
9	Mortuary or crematory	No
10	Restaurants closer than 50 feet to the south property line (abutting Mill Street properties)	No
(C)	INDUSTRIAL USES	
1	Printing or publishing establishment	No
(D)	ACCESSORY USES	
1	Parking of larger vehicles	SP
(E)	OTHER USES	
1	Buildings or structures closer than 20 feet from the south property line (abutting Mill Street properties)	No

- (3) Special permits.
- a. Authority. The special permit granting authority (SPGA) shall be the Zoning Board of Appeals.
 - b. Procedure. All applications for special permits for the construction or conversion of buildings for uses in Table 7-5 shall include a Development Plan, prepared in accordance with Section 70-8.2. The Historical Commission shall receive copies of the plan and proposal. The Historical Commission may comment on whether the proposed use meets the criteria of Section 70-8.4 and offer recommended conditions and safeguards to meet the criteria or mitigate negative impacts.
 - c. Criteria for special permits. In addition to the criteria set forth in Section 70-8.4 D, special permits required for uses in Table 7.5 shall issue only after consideration of the project’s compliance with the following criteria:

The development facilitates the intent of the SMRD set forth in Section 70-7.4.F (1) through:

- [1] connection of buildings to the adjoining properties through architectural style and scale;
- [2] a mix of residential and commercial uses;

- [3] access to the Hoosic River for recreation;
 - [4] pedestrian links to the adjacent Linear Park;
 - [5] diverse housing opportunities, including market rate dwelling units and dwelling units that are affordable to households at or below the then-current median income for non-metropolitan Berkshire County, as estimated by the HUD Regional Economist; and
 - [6] limiting risk to the adjacent Town wells and Zone 2 recharge area.
- d. Decision. Special permits shall be granted subject to specific findings by the SPGA that the development meets the criteria of 70-8.4 and the more specific criteria set forth above. In granting special permits, the SPGA reserves the right to impose conditions for the protection of the neighborhood and Town water supply and the implementation of the stated intent of the SMRD. Such conditions, safeguards, or limitations may include, but not be limited to those contained in Section 70-8.4.E.

Amend the definition of “Major Residential Development”, Section 70-9.2 by deleting subsection B, and adding a new subsection B: “On premises other than assisted living residence, or in the Station Mill Redevelopment District, or land division noted above, issuance of building permits for the construction of more than eight dwelling units within any twelve month period, or of more than 40 dwelling units cumulatively subsequent to May 24, 1989.”

Amend Section 70-3.1A (2) (c) to add “Station Mill Redevelopment District”

Amend Section 70-4.3 Dimensional Schedule, Note 4, adding the following words to the beginning of the first sentence: “Except for residential buildings in SMRD ...”

Add a new section 7.1.K Station Mill Redevelopment District - Multifamily Housing Development

Multifamily development, by new construction or conversion of an existing historic building, may be authorized by special permit provided the following are complied with.

- (1) Basic Requirements
- (a) Number of dwellings. The basic maximum number of dwelling units shall be 1 dwelling unit per 6000 (72 units) square feet of lot area. This may be reduced to 4500 (96 units) square feet if the number of affordable units is increased to 20%.
 - (b) Open Space. 1500 square feet of usable common open space per dwelling unit shall be provided when density is one (1) dwelling unit per 6,000 square feet of lot area. For increased density, 1080 square feet of useable common open space per dwelling unit shall be provided. Usable common open space shall include access to the Hoosic River for passive and active recreation. Other open space areas shall be left in a substantially natural state and intended for passive or active recreation. Usable common open space shall not include street rights of way, open parking areas, the 20 foot yard at the south property line, or driveways. A link to the adjacent Linear Park is encouraged.
 - (c) Utilities. All buildings shall be connected to Town water and sewer. All utilities shall be underground, in accordance with the development standards

of Chapter 170. There shall be satisfactory design and location of collection points for rubbish and recyclables.

- (d) Nonresidential uses. Nonresidential uses are permitted on the first floor of multifamily buildings within this category, subject to the applicable requirements of Table 7.5. There are no open space or lot area requirements for nonresidential uses.
- (e) Building Height Increase.
 - [1] If the gross floor area of nonresidential use exceeds 50% of footprint area, building height may be increased by 1 story, to 3 stories, 40 feet upon the granting of a Special Permit by the SPGA.
 - [2] A height increase to 4 stories, 50 feet, is permitted by Special Permit if the number of affordable units is increased to 20%.
 - [3] If all required parking for a building is located below the first floor of the building, the maximum height may be increased to 12 feet for that building upon the granting of a Special Permit by the SPGA.
- (f) Building Design. The applicant shall create a building that is reminiscent of the old mill building in massing and architectural style. Any other buildings shall be consistent with the architectural style of other buildings in the Historic Mill District. No unenclosed exterior stairs above the first floor are permitted.
- (g) Minimum floor area. Minimum gross floor area for dwelling units shall not be less than 700 square feet.
- (h) Parking. Off street parking shall comply with Section 6 for number of parking spaces and parking lot development.
- (i) Gate house. The existing gate house and main gate shall be retained as historic architectural elements of the development
- (j) Affordable unit set aside.
 - [1] Not less than 10% of the dwelling units shall be affordable (as defined by the Massachusetts Department of Housing and Community Development) to households of the then-current median income for non-metropolitan Berkshire County, as estimated by the HUD Regional Economist.
 - [2] The distribution of affordable units proportional across the total number of units according to number of bedrooms, size, quality, and location.
 - [3] Continuing affordability shall be assured for at least 30 years through means enforceable by the Town.

ZONING BYLAW AMENDMENT FOR DEVELOPMENT PLAN REVIEWS

Article 29. To see if the Town will amend Chapter 70 of the Code of the Town of Williamstown (Zoning Bylaw) as follows, or take any other action in relation thereto.

Add the following sentence to the end of Section 70-8.2.C (1):

“Abutters shall be notified in accordance with the procedures and requirements of Section 11, Chapter 40A, MGL for special permits, except for decision notice requirements.”

ZONING MAP AMENDMENT

Article 30 - To see if the Town will amend the Zoning Map of the Town of Williamstown as follows, or take any other action in relation thereto.

Amend the Zoning Map to change the zoning designation of Lot 18, Map 119, Williamstown Assessors Atlas, from Limited Industrial to Limited Business.

The Planning Board unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

This amendment changes the zoning for the Photech property from Limited Industrial to Limited Business.

Proceeding: Robin Malloy of the Planning Board moved, and it was seconded, the Town vote to adopt Article 30. Ms. Malloy gave a report on the Zoning Map amendment, and stated it had the endorsement of the Planning Board.

The Moderator admonished a 2/3rd vote is required for passage of the article. There being no discussion, the Moderator declared Article 30 carried by the required majority voice vote.

ZONING BYLAW AMENDMENT

Development Plan Review by SPGA When Proposal Includes a Special Permit

Article 31. To see if the Town will amend Chapter 70 of the Code of Williamstown as follows, or take any other action in relation thereto.

Delete Section 70-8.2.A and add the following new Section 70-8.2.A:

A. Applicability. A development proposal is subject to development plan review by the Development Plan Review Authority (DPRA) which shall be the Planning Board for all proposals which do not need a special permit, and the Special Permit Granting Authority (SPGA) for proposals which require special permits.

A development plan review is required for development proposals which, under a single building permit, involve:

- (1) Construction of a new nonresidential nonagricultural building, or an addition to such a building of 2,500 square feet or more gross floor area, or
- (2) Creation of, substantial alteration to, or addition to parking facilities resulting in 10 or more parking spaces, or
- (3) Removal of existing vegetative ground cover from more than 20,000 square feet of site area, unless for agricultural use, or
- (4) If the proposal is located in the Upland Conservation District.

In Section 70-8.2.C (4) - delete the phrase "...and that necessary special permits have been granted."

Add the following new Section 70-8.4.C (3):

(3). Special Permits Requiring Development Plan Review. At the time of the application, the applicant shall submit a development plan, in accordance with Section 8.2.B, and documentation and submittals regarding each of the special permit criteria below which are germane. The special permit granting authority shall review the special permit and development plan at the same hearing and determine compliance with the special permit criteria and development standards. Any special permit granted by the SPGA under this section shall include a finding that the proposed development plan complies with the applicable requirements of Article V, Development Standards, and Section 70-6.1, Off-street parking. At least two weeks prior to the hearing, the special permit granting authority shall refer submittals to the Planning Board, Conservation Commission, Department of Public Works or other authorities as appropriate, for technical review and comment.

The Planning Board unanimously recommends the adoption of this article.

The Board of Selectmen unanimously recommends the adoption of this article.

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Proceeding: Sarah Gardner, Chairman of the Planning Board moved, and it was seconded, the Town vote to adopt Article 31. Ms. Gardner gave a report of the zoning bylaw and stated it had the endorsement of the Planning Board.

Following a brief discussion, the Moderator declared Article 31 carried by unanimous voice vote.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, that the 2004 Annual Town Meeting be adjourned.

There being no discussion, the Moderator declared Annual Town Meeting adjourned at 11:05 PM.

And you are hereby directed to serve this Warrant by posting attested copies thereof in four or more public places as well as the United States Post Office within the Town.

Hereof fail not and make return of this Warrant, with your doings to the Town Clerk on or before the time set for holding said meeting.

John R. Madden, Chairman

Jane B. Allen

Charles T. Schlesinger

Margaret Johnson Ware

John G. Merselis, Jr.
Williamstown Board of Selectmen

A true record, attest:

Mary Courtney Kennedy

Town Clerk